

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-222 (JJF)
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	

**STIPULATION AND ORDER REGARDING
ADMISSIBILITY OF DATA FROM IMS HEALTH**

WHEREAS the October 9, 2007 deposition of Peter Hunter of IMS Health established that the IMS data produced in this litigation is authentic and constitutes business records of IMS Health under the Federal Rules of Evidence;

WHEREAS Impax witnesses have testified at their depositions that Impax subscribed to and relied upon data from IMS Health; and

WHEREAS data from IMS Health is recognized in the pharmaceutical industry as inherently reliable and accurate,

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that, for the purpose of efficiently presenting evidence at trial in this action, the parties will not maintain authenticity, hearsay, or lack of foundation objections regarding data provided by IMS Health in trial exhibits numbers PTX-343, PTX-815, PTX-816, PTX-817, and PTX-818.

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SO ORDERED this _____ day of _____, 2008.

United States District Court Judge